

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
ex rel. JAMES HANNUM

Plaintiffs,

Civil No. 08-cv-0811

v.

FILED UNDER SEAL

ROADWAY EXPRESS, INC. and
YELLOW TRANSPORTATION, INC.,

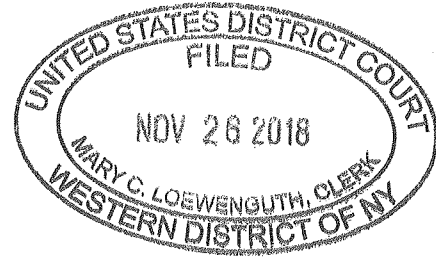
Defendants.

THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes and intends to proceed with this action. The United States intends to file its complaint within 30 days.

The Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

The United States reserves the right to seek the dismissal of the relator's action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).



A proposed order accompanies this notice.

Respectfully submitted,

Dated: November 19, 2018

JOSEPH H. HUNT
Assistant Attorney General

JAMES P. KENNEDY, JR.
United States Attorney


KATHLEEN A. LYNCH
Assistant United States Attorney
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
Tel: (716) 843-5830
Kathleen.Lynch@usdoj.gov

MICHAEL D. GRANSTON
ROBERT MCAULIFFE
BENJAMIN YOUNG
Attorneys, United States Department of Justice
Civil Division
Ben Franklin Station
Post Office Box 261
Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 616-0291
Fax: (202) 514-7361
Benjamin.S.Young@usdoj.gov

Attorneys for the United States